



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,971	03/05/2007	Masashi Tsuboi	294569US8PCT	7115
22850 7590 10/20/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER PERROMAT, CARLOS				
ART UNIT		PAPER NUMBER		
2628				
NOTIFICATION DATE		DELIVERY MODE		
10/20/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Interview Summary

Application No.

10/587,971

Applicant(s)

TSUBOI ET AL.

Examiner

Carlos Perromat

Art Unit

2628

All participants (applicant, applicant's representative, PTO personnel):

(1) Carlos Perromat.

(3) _____.

(2) Michael L. Gellner.

(4) _____.

Date of Interview: 14 October 2010.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal (copy given to: 1) ☐ applicant 2) ☒ applicant's representative

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: APA and Payne.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Carlos Perromat/
Examiner, Art Unit 2628

/Ulka Chauhan/
Supervisory Patent Examiner, Art Unit 2628

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Gellner provided a proposed amendment to independent claim 1 that would include limitations with respect to the generation of a hologram within the invention, and particularly restricting the independent claim to amplitude modulation. The Examiner notified Mr. Gellner that, in the Examiner's opinion, the invention is directed to optimizing the algorithm to obtain a particular solution for a kinoform. The Examiner pointed out that AAPA taught kinoform solution processing through simulated annealing, and that in the Examiner's opinion, attempting to differentiate the invention with respect to the cited prior art, and particularly with respect to the description by the Applicant of the prior art, in this respect appeared less than promising. The Examiner further communicated to the Applicant that in the Examiner's opinion, the core of the rejection is whether it is obvious, in light of the references to limit the solutions obtained by the algorithm to those that are representable by the kinoform because of physical constraints of the kinoform and based on the actual visibility of the hologram. In the Examiner's opinion, the Applicant's amendment does not address this fundamental point, and rather focuses on characteristics of the invention that are in common between the invention and the prior art that the invention optimizes. The Examiner pointed out that Payne and AAPA describe phase or amplitude modulation as known alternatives for hologram display. The Examiner further clarified to Mr. Gellner an Examiner position regarding the presence or absence of moving parts within the invention and the prior art, which had not been properly understood as expressed by the Examiner in response to the Applicant's arguments. Mr. Gellner provided a statement by the Applicant addressing an alleged point made by the Examiner that all pixels contribute to a hologram. The Examiner did not recognize the quote, and further did not recognize as his own the position that the alleged quote seemed to illustrate. Further the Examiner did not believe that, as mentioned above, the point made in the Applicant's statement addressed the fundamentals of the rejection. Even if the point had been made by the Examiner and that point was, as asserted by the Applicant, erroneous, it is the Examiner's opinion that at most it would result in an additional non-final rejection, since, again, it does not overcome the finding of obviousness of the invention. The statement made by the Applicant also compared the invention with a different but similar known technique characterized as masking and proceeded to differentiate the invention with respect to this technique, which was illustrated by a Japanese reference for which, regretfully, only the abstract had been provided in English. The reference was not cited by the Examiner and indeed did not qualify as prior art. The Examiner was unclear on the point the Applicant was trying to illustrate and on how that point related to the references cited by the Examiner and employed in the rejection. The Examiner communicated to Mr. Gellner that if the Applicant wishes to have technical statements considered by the Examiner, they ought to be provided as a 1.132 affidavit, since they are factual in nature. The Examiner and Mr. Gellner agreed to search the Examiner's action for the quote that the Applicant attributed to the Examiner or for statements made by the Examiner that could be represented by said quote, and subsequently discuss the matter over the phone. The Examiner however has re-read the entirety of the Examiner's action and cannot find said position and/or quote.